

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DAVID IVEY,)	
)	
Petitioner,)	8:06cv767
)	
vs.)	MEMORANDUM AND ORDER
)	
ROBERT HOUSTON,)	
)	
Respondent.)	

This matter is before the court on Filing No. 7, a letter from the petitioner, David Ivey, which has been docketed as a Motion to Appoint Counsel, Motion for Discovery and Motion to Vacate Commitment. The petitioner states that he has been committed by the Douglas County Board of Mental Health to the Norfolk Regional Center under a newly enacted statute, LB 1199 (2006), codified in part as the Nebraska Sex Offender Commitment Act. The petitioner completed the sentence imposed by the District Court of Douglas County, Nebraska, on or about May 20, 2004, for sexual assault of a child, and now challenges that conviction in another case. His mental health commitment apparently occurred on the recommendation of Dr. Stephen Skulsky, who allegedly relied on the original police reports by Omaha Police Officer Steve Henthorn, documents which the petitioner contends that he has not been allowed to read. The police reports, according to the petitioner, were more inflammatory than evidence presented against the petitioner at his trial, and go beyond the charges on which the petitioner was convicted and sentenced. The petitioner further alleges that the evidence used to justify his detention includes materials concerning charges that were dismissed and materials containing erroneous and false statements, none of which he was given an opportunity to rebut.

The petitioner alleges that he is indefinitely committed to the Norfolk Regional Center where he has no access to a law library, legal aide or attorney for the purpose of challenging his commitment. The named respondent has not responded to the Petition for Writ of Habeas Corpus, likely because the petitioner has named the wrong respondent.

IT IS THEREFORE ORDERED:

1. That Filing No. 7 is granted insofar as the Federal Public Defender for the District of Nebraska, or another attorney on the CJA panel selected by the Federal Public Defender, is appointed to represent the petitioner in this matter, and the petitioner's counsel shall enter an appearance and confer with the petitioner by mail or telephone within thirty (30) days of the date of this Order;

2. That the petitioner, through counsel, shall have sixty (60) days from the date of this Order to file any Amended Petition naming an appropriate respondent; and

3. That Filing No. 7 is otherwise denied.

DATED this 25th day of April, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge